



Rep. Tom Cross

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09400SB2772ham001

LRB094 18971 WGH 57218 a

1 AMENDMENT TO SENATE BILL 2772

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2772 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Business Corporation Act of 1983 is amended  
5 by changing Section 2.35 as follows:

6 (805 ILCS 5/2.35) (from Ch. 32, par. 2.35)

7 Sec. 2.35. Meetings of the board of directors of a  
8 residential cooperative corporation ~~containing 24 or more~~  
9 ~~units~~ shall be open to any residential shareholder, except for  
10 the portion of any meeting held (i) to discuss litigation when  
11 an action against or on behalf of the corporation has been  
12 filed and is pending in a court or administrative tribunal, or  
13 when the board of directors finds that such an action is  
14 probable or imminent, (ii) to consider information regarding  
15 appointment, employment or dismissal of an employee, or (iii)  
16 to discuss violations of rules and regulations of the  
17 corporation by a residential shareholder. Any residential  
18 shareholder may record by tape, film or other means the  
19 proceedings at such meetings or portions thereof required to be  
20 open by this Section. The board may prescribe reasonable rules  
21 and regulations to govern the right to make such recordings.  
22 Notice of such meetings shall be mailed or delivered at least  
23 48 hours prior thereto, unless a written waiver of such notice  
24 is signed by the person or persons entitled to such notice

1 pursuant to the articles of incorporation, bylaws, or other  
2 instrument before the meeting is convened. Copies of notices of  
3 meetings of the board of directors shall be posted in  
4 entranceways, elevators, or other conspicuous places in the  
5 residential cooperative at least 48 hours prior to the meeting  
6 of the board of directors. If there is no common entranceway  
7 for 7 or more apartments, the board of directors may designate  
8 one or more locations in the proximity of such units where the  
9 notices of meetings shall be posted. For purposes of this  
10 Section, "meeting of the board of directors" means any  
11 gathering of a quorum of the members of the board of directors  
12 of the residential cooperative held for the purpose of  
13 discussing business of the cooperative. The provisions of this  
14 Section shall apply to any residential cooperative ~~containing~~  
15 ~~24 or more units~~ situated in the State of Illinois regardless  
16 of where such cooperative may be incorporated.

17 (Source: P.A. 92-638, eff. 1-1-03.)

18 Section 10. The General Not For Profit Corporation Act of  
19 1986 is amended by changing Section 108.21 as follows:

20 (805 ILCS 105/108.21) (from Ch. 32, par. 108.21)

21 Sec. 108.21. Meetings of the board of directors of a  
22 not-for-profit homeowners association or residential  
23 cooperative not-for-profit corporation ~~containing 24 or more~~  
24 ~~units~~ shall be open to any member, except for the portion of  
25 any meeting held (i) to discuss litigation when an action  
26 against or on behalf of the corporation has been filed and is  
27 pending in a court or administrative tribunal, or when the  
28 board of directors finds that such an action is probable or  
29 imminent, (ii) to consider information regarding appointment,  
30 employment or dismissal of an employee, or (iii) to discuss  
31 violations of rules and regulations of the corporation ~~by a~~  
32 ~~residential shareholder~~. Any member may record by tape, film or

1 other means the proceedings at such meetings or portions  
2 thereof required to be open by this Section. The board may  
3 prescribe reasonable rules and regulations to govern the right  
4 to make such recordings. Notice of such meetings shall be  
5 mailed or delivered at least 48 hours prior thereto, unless a  
6 written waiver of such notice is signed by the person or  
7 persons entitled to such notice pursuant to the articles of  
8 incorporation, bylaws, other instrument before the meeting is  
9 convened. Copies of notices of meetings of the board of  
10 directors shall be posted in entranceways, elevators, or other  
11 conspicuous places ~~in the residential cooperative~~ at least 48  
12 hours prior to the meeting of the board of directors. If there  
13 is no common entranceway for 7 or more units ~~apartments~~, the  
14 board of directors may designate one or more locations in the  
15 proximity of such units where the notices of meetings shall be  
16 posted. For purposes of this Section, "meeting of the board of  
17 directors" means any gathering of a quorum of the members of  
18 the board of directors ~~of the residential cooperative~~ held for  
19 the purpose of discussing business of the homeowners  
20 association or cooperative. The provisions of this Section  
21 shall apply to any homeowners association or residential  
22 cooperative ~~containing 24 or more units~~ situated in the State  
23 of Illinois regardless of where it ~~such cooperative~~ may be  
24 incorporated.

25 (Source: P.A. 91-465, eff. 8-6-99; 92-638, eff. 1-1-03.)

26 Section 99. Effective date. This Act takes effect upon  
27 becoming law."